

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCOS A. MERLOS,

CASE NO. 05-CV-73081

Plaintiff,

-vs-

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

ROYAL-WEST ROOFING & SHEET  
METAL, LLC, a Michigan limited  
liability company,

Defendant.

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ORDER

**(1) PERMITTING DEFENDANT TO WITHDRAW ITS MOTION TO DISMISS; AND**  
**(2) GRANTING THE JOINT MOTION TO ADJOURN TRIAL**

Before the Court are two motions: (1) Defendant Royal-West Roofing & Sheet Metal, LLC's ("Defendant") January 4, 2008 Motion to Dismiss to Fed. R. Civ. P. 37(b) and for Sanctions under Rule 37(d) (Doc. No. 15); and (2) the parties' February 4, 2008 Joint Motion to Adjourn the Trial Date (Doc. No. 20). Trial is scheduled to begin in this case on March 4, 2008.

The Court held a motion hearing on February 20, 2008. At the hearing, Defendant indicated that he wished to withdraw the pending motion to dismiss. Plaintiff did not object.

The Court **GRANTS** Defendant's request to withdraw the motion to dismiss.

The parties requested that the Court adjourn the pending trial, and provide sixty (60) days to conduct additional depositions.

The Court **GRANTS** the parties' request.

The Court will issue an Amended Scheduling Order.

**SO ORDERED.**

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: February 22, 2008

**CERTIFICATE OF SERVICE**

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 22, 2008.

s/Denise Goodine

Case Manager